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67108-048**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-6 are currently pending and stand rejected. Applicant has amended claims 1, 3-5 and has cancelled claims 2 and 6. New claims 7-15 have been added. No new matter has been added.

§ 102 rejection

Claims 1 and 4-5 were rejected under 35 U.S.C. § 102(a) as being anticipated by EP 0 851 633 to Moelard ("Moelard"). Applicant respectfully traverses this rejection.

Applicant has amended the claims to clarify that the wireless communication system has a shared downlink data channel that carries downlink data to at least one wireless unit and sends signals from the wireless unit to the wireless communication system via an uplink control channel. Moelard fails to anticipate claims 1 and 4-5 because Moelard fails to disclose sending signals identifying the new base station via an uplink control channel and receiving downlink data from a previous base station via a shared downlink data channel until an indication to switch to the new base station.

The Office Action indicated that col. 7, lines 50-53 and the abstract of Moelard discloses the claimed switching step. Applicant respectfully disagrees. Col. 7, lines 50-53 only describes successful switching of a mobile station from an old access point to a new access point, but does not disclose that this switching is conducted in response to an indication to switch.

Moreover, although Moelard mentions sending a HANDOVER IMMINENT message containing address information of the new AP, this still does not disclose the claimed receiving and switching steps. Instead of receiving downlink data from a previous base station in a wireless unit until an indication from the wireless communication system to switch to the new base station as recited in claim 1, Moelard teaches buffering messages in an old access point when a mobile station indicates that its link with the old access point is weak and then releasing those buffered messages to the mobile station when it receives a HANDOVER PREPARED message from the mobile station.

When the new AP receives a HANDOVER PREPARATION message from the old AP, the old AP releases buffered messages and the new AP initializes its own buffering function for all messages destined for the mobile (col. 7, lines 11-22). The HANDOVER PREPARED

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message also initiates updating of the routing functions of intermediate bridges to indicate that messages are routed to the new access point before the mobile station actually initiates handover (col. 6, line 16 to col. 7, line 48). Thus, rather than receiving downlink data in the wireless unit until the indication to switch to new base station as recited in claim 1, Moelard discloses buffering messages destined for the mobile unit in the new AP until the switch occurs and then sending those buffered messages to the mobile unit only after the mobile unit has switched to the new AP (col. 7, lines 42-48).

Also, the actual switching step in Moelard is initiated by a DISSOCIATE message from the old access point and not the wireless communication system, and the step is completed by a (RE)ASSOCIATE message from the mobile to the new AP (col. 7, lines 33-48). Thus, not only does Moelard fail to disclose receiving downlink data from a previous base station to a wireless unit until an indication to switch to a new base station, Moelard also fails to disclose an indication that is from a wireless communication system to initiate the switching process. Moelard therefore fails to anticipate claims 1 and 4-5, and withdrawal of the rejection is respectfully requested.

§ 103 rejection

Claims 2-3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moelard in view of U.S. Patent No. 6,628,946 to Wilberg et al. ("Wilberg"). Applicant respectfully traverses this rejection.

The Office Action admitted that Moelard does not disclose sending base station identification information on an uplink control channel, but asserted that it would have been obvious to combine Moelard with Wilberg to suggest the claimed invention. Applicant respectfully disagrees.

Claims 2-3 and 6 depend on patentable claim 1 and are therefore patentable for the reasons explained above. Contrary to the Office Action's assertion, the tags described in col. 3, lines 24-29 of Wilberg do not correspond to the claimed base station identification information because the tags only indicate system information parameter values, such as cell descriptions, physical cell parameters, cell traffic load, etc. (col. 1, line 65 to col. 2, line 7; col. 6, line 66 to col. 7, line 5). None of these system parameter information values even relate to information

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about the base station. Although a given base station may broadcast a list of valid tag values for a given cell to mobile stations in the cell, the mobile stations do not send any base station identification information to the communication system via an uplink channel in Wilberg.

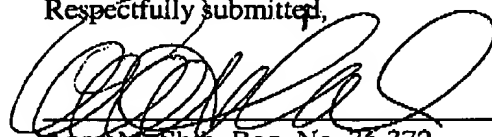
Figures 1 and 10 only show a mobile station receiving tags, not sending base station identification information on an uplink. Further, col. 3, lines 24-49 and col. 6, line 1 through col. 7, line 61 all focus on base stations broadcasting to mobile stations over control channels (see, e.g., col. 7, lines 46-52) and do not even suggest sending a base station identification via an uplink from the mobile station.

Thus, Wilberg fails to teach the claimed base station identification information and sending the information on an uplink. The combination also fails to teach switching to a new base station in response to an indication to switch, thereby failing to remedy the deficiencies in Moelard noted above. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 2-3 and 6, and withdrawal of the rejection is respectfully requested.

Applicant has added new claims 7-15 for reasons unrelated to patentability. New claims 7-15 directly or indirectly on patentable independent claim 1 and are therefore patentable for the reasons explained above. Entry and allowance of new claims 7-15 are therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on May 7, 2004.

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